

# **2013 DRAFTING REQUEST**

## **Bill**

Received:	<b>1/31/2013</b>	Received By:	<b>chanaman</b>
Wanted:	<b>As time permits</b>	Same as LRB:	
For:	<b>Garey Bies (608) 266-5350</b>	By/Representing:	<b>Tyler</b>
May Contact:		Drafter:	<b>chanaman</b>
Subject:	<b>Criminal Law - miscellaneous Criminal Law - victims</b>	Addl. Drafters:	
		Extra Copies:	

Submit via email: **YES**  
 Requester's email: **Rep.Bies@legis.wisconsin.gov**  
 Carbon copy (CC) to:

## **Pre Topic:**

No specific pre topic given

## **Topic:**

Harrassing lawmakers and families

## **Instructions:**

See attached

## **Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	chanaman 3/18/2013	csicilia 3/19/2013	jmurphy 3/19/2013	_____	lparisi 3/14/2013		
/1	chanaman 3/19/2013	csicilia 3/20/2013	phenry 3/20/2013	_____	srose 3/19/2013	srose 3/19/2013	Crime
/2				_____	srose 3/21/2013	srose 3/21/2013	Crime

FE Sent For:

*Not  
needed*

<END>

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**Criminal Law - victims** Extra Copies:

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/1		1/2 gjs 3/20 13	3/20 ph	gm ph	srose 3/19/2013	srose 3/19/2013	Crime

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/P1	chanaman 2/27/2013	csicilia 3/14/2013	jfrantze 3/14/2013	_____	lparisi 3/14/2013		

FE Sent For:

*Handwritten notes:*  
 1 gs 3/19  
 123  
 3/19  
 self  
 <END>

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/P1	chanaman 2/27/2013	/P1 cjs 3/14 13		3/14			

FE Sent For:

<END>



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-1458/P1

CMH:.....

*d-note*

*For (cmh)*

*g's*

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

*1-gen cat*

1 **AN ACT** ..., relating to: harassment of a legislator or his or her family and  
2 providing a penalty.

---

***Analysis by the Legislative Reference Bureau***

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

---

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

3 **SECTION 1.** 947.014 of the statutes is created to read:

4 **947.014 Harassment; special circumstances.** (1) In this section:

5 (a) "Course of conduct" has the meaning given in s. 947.013 (1) (a). ✓

6 (b) "Credible threat" has the meaning given in s. 947.013 (1) (b). ✓

7 (2) Whoever, with intent to harass or intimidate a legislator or a member of his  
8 or her family, due to an action <sup>the</sup> legislator has taken in his or her official capacity or  
9 to influence the action of <sup>the</sup> a legislator in his or her official capacity, does any of the  
10 following is guilty of a Class A misdemeanor:

*on OK*

1 (a) Strikes, shoves, kicks, or otherwise subjects the legislator or family member  
2 to physical contact or attempts or threatens to do the same.

3 (b) Engages in a course of conduct or repeatedly commits acts which harass or  
4 intimidate the legislator or family member and which serve no legitimate purpose.

5 (c) Remains for a period within 100 yards of private property that the legislator  
6 or family member owns or occupies without the consent of the legislator or family  
7 member.

8 (3) Whoever violates sub. (2) is guilty of a Class H felony if any of the following  
9 ~~apply:~~ *applies*

10 (a) The act is accompanied by a credible threat that places the legislator or a  
11 family member of the legislator in reasonable fear of death or bodily harm.

12 (b) The actor has a prior conviction under this section or under s. 940.20 (4),  
13 940.32 (2), or 947.013 involving the same legislator or any family member of the same  
14 legislator.

15 (END)



**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-1458/P1dn

CMH:f:....

gjs

*Late*

Tyler:

Please review this draft closely to ensure it does what you intend. I did not link this to other harassment or stalking statutes, which would lead to increased penalties if a person were convicted under this new statute and then convicted under another harassment or stalking statute or vice versa. If you would prefer the statutes to be linked, please let me know.

*new  
new  
offense  
offense*

I created this draft as a preliminary draft because I anticipate you ~~may~~ want changes.

Cathlene Hanaman  
Deputy Chief  
Phone: (608) 267-9810  
E-mail: cathlene.hanaman@legis.wisconsin.gov

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-1458/P1dn  
CMH:cjs:jf

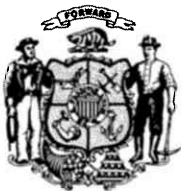
March 14, 2013

Tyler:

Please review this draft closely to ensure it does what you intend. I did not link this new offense to other harassment or stalking statutes, which would lead to increased penalties if a person were convicted under this new statute and then convicted under another harassment or stalking statute or vice versa. If you would prefer the statutes to be linked, please let me know.

I created this draft as a preliminary draft because I anticipate you may want changes.

Cathlene Hanaman  
Deputy Chief  
Phone: (608) 267-9810  
E-mail: [cathlene.hanaman@legis.wisconsin.gov](mailto:cathlene.hanaman@legis.wisconsin.gov)



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-1458/BI

CMH:cjs:jf

*Two or three if possible  
(analysis only change)*

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

*Stays*

*Ger Cat*

1 **AN ACT** *to create* 947.014 of the statutes; **relating to:** harassment of a legislator  
2 or his or her family and providing a penalty.

***Analysis by the Legislative Reference Bureau***

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

*INS*  
*A*  
***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

3 **SECTION 1.** 947.014 of the statutes is created to read:  
4 **947.014 Harassment; special circumstances.** (1) In this section:  
5 (a) "Course of conduct" has the meaning given in s. 947.013 (1) (a).  
6 (b) "Credible threat" has the meaning given in s. 947.013 (1) (b).  
7 (2) Whoever, with intent to harass or intimidate a legislator or a member of his  
8 or her family, due to an action the legislator has taken in his or her official capacity  
9 or to influence the action of the legislator in his or her official capacity, does any of  
10 the following is guilty of a Class A misdemeanor:

(a) Strikes, shoves, kicks, or otherwise subjects the legislator or family member to physical contact or attempts or threatens to do the same.

(b) Engages in a course of conduct or repeatedly commits acts which harass or intimidate the legislator or family member and which serve no legitimate purpose.

(c) Remains for a period on or within 100 yards of private property that the legislator or family member owns or occupies without the consent of the legislator or family member.

(3) Whoever violates sub. (2) is guilty of a Class H felony if any of the following applies:

(a) The act is accompanied by a credible threat that places the legislator or a family member of the legislator in reasonable fear of death or bodily harm.

(b) The actor has a prior conviction under this section or under s. 940.20 (4), 940.32 (2), or 947.013 involving the same legislator or any family member of the same legislator.

(END)

2013-2014 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-1458/P1ins  
CMH:cjs:jf

1

Insert A

Under current law, an individual who intentionally causes bodily harm to a public officer in order to influence the action of the public officer or as a result of any action the public officer took (battery to a public officer) is guilty of a Class I felony. Under this bill, an individual who, with the intention of harassing or intimidating a legislator or a member of his or family and either due to an official action of a legislator or with the intention of influencing an official action, strikes, shoves, or kicks the legislator or his or her family member; commits acts that harass or intimidate the legislator or his or her family member with no legitimate purpose; or remains on or within 100 yards of property that the legislator or family member owns or occupies is guilty of a Class A misdemeanor. The classification of the crime increases to a Class H felony if the act is accompanied by a credible threat that places the legislator or family member in reasonable fear of death or bodily harm or if the conviction is the second or subsequent conviction or the individual has been convicted of battery to a public officer, stalking, or harassment and the victim is the same legislator or a family member of the same legislator.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

**Rose, Stefanie**

---

**From:** Sivret, Tyler  
**Sent:** Tuesday, March 19, 2013 10:38 AM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB -1458/1 Topic: Harrassing lawmakers and families

Please Jacket LRB -1458/1 for the ASSEMBLY.



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-1458/1  
CMH:cjs:jm

(2)

Wed. please

1  
Stays

2013 BILL

SA

PWF✓

Gen Cat

battery to family member of a public officer,

1 AN ACT *to create* 947.014 of the statutes; relating to: harassment of a legislator  
2 or his or her family and providing a ~~penalty~~.  
*penalties*

**Analysis by the Legislative Reference Bureau**

Under current law, an individual who intentionally causes bodily harm to a public officer in order to influence the action of the public officer or as a result of any action the public officer took (battery to a public officer) is guilty of a Class I felony. Under this bill, an individual who, with the intention of harassing or intimidating a legislator or a member of his or family, either due to an official action of a legislator or with the intention of influencing an official action, strikes, shoves, or kicks the legislator or his or her family member; commits acts that harass or intimidate the legislator or his or her family member with no legitimate purpose; or remains on or within 100 yards of property that the legislator or family member owns or occupies is guilty of a Class A misdemeanor. The classification of the crime increases to a Class H felony if the act is accompanied by a credible threat that places the legislator or family member in reasonable fear or death or bodily harm or if the conviction is the second or subsequent conviction, or the individual has been convicted of battery to a public officer, stalking, or harassment, and the victim is the same legislator or a family member of the same legislator.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a

Also,

INS  
A

**BILL**

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

1            **SECTION 1.** 947.014 of the statutes is created to read:

2            **947.014 Harassment; special circumstances.** (1) In this section:

3            (a) "Course of conduct" has the meaning given in s. 947.013 (1) (a).

4            (b) "Credible threat" has the meaning given in s. 947.013 (1) (b).

5            (2) Whoever, with intent to harass or intimidate a legislator or a member of his  
6 or her family, due to an action the legislator has taken in his or her official capacity  
7 or to influence the action of the legislator in his or her official capacity, does any of  
8 the following is guilty of a Class A misdemeanor:

9            (a) Strikes, shoves, kicks, or otherwise subjects the legislator or family member  
10 to physical contact or attempts or threatens to do the same.

11            (b) Engages in a course of conduct or repeatedly commits acts which harass or  
12 intimidate the legislator or family member and which serve no legitimate purpose.

13            (c) Remains for a period on or within 100 yards of private property that the  
14 legislator or family member owns or occupies without the consent of the legislator  
15 or family member.

16            (3) Whoever violates sub. (2) is guilty of a Class H felony if any of the following  
17 applies:

18            (a) The act is accompanied by a credible threat that places the legislator or a  
19 family member of the legislator in reasonable fear of death or bodily harm.



# BILL

1 (b) The actor has a prior conviction under this section or under s. 940.20 (4),  
2 940.32 (2), or 947.013 involving the same legislator or any family member of the same  
3 legislator.

4 (END)

**2013-2014 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-1458/lins  
CMH:cjs:jm

1

Insert A

(no fl)

Under this bill, battery to a public officer would include intentionally causing bodily harm to a family member of a public officer in order to influence the action of the public officer or as a result of any action the public officer took.

2

✓ 3

Insert

2-1

4

**SECTION 1.** 940.20 (4) of the statutes is renumbered 940.20 (4) (b) and amended

5

to read:

6

940.20 (4) (b) Whoever intentionally causes bodily harm to the person or family

7

member of a public officer in order to influence the action of ~~such~~ the public officer

8

or as a result of any action taken within an official capacity, without the consent of

9

the person injured, is guilty of a Class I felony.

**History:** 1977 c. 173; 1979 c. 30, 113, 221; 1981 c. 118 s. 9; 1983 a. 189 s. 329 (4); 1989 a. 336; 1993 a. 54, 164, 491; 1995 a. 27 s. 9126 (19); 1995 a. 77, 145, 225, 343; 1997 a. 35, 143, 283; 1999 a. 85; 2001 a. 109; 2005 a. 434; 2007 a. 20 s. 9121 (6) (a); 2007 a. 27, 130; 2011 a. 32, 74.

10

**SECTION 2.** 940.20 (4) (a) of the statutes is created to read:

11

940.20 (4) (a) In this subsection, "family member" has the meaning given in s.

12

940.201 (1) (a).